

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/>		: Civil Action
		:
Plaintiff	:	No. 07-CV-5121
	:	
vs.	:	
	:	
ARAMARK SPORTS, LLC	:	
	:	
Defendant	:	

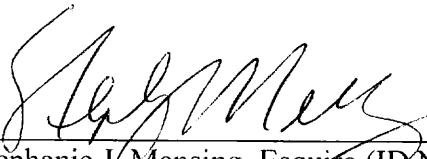
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**WISNIEWSKI & MENSING, LLP, STEPHANIE J. MENSING, ESQUIRE, AND  
DAVID WISNIEWSKI, ESQUIRE'S MOTION TO WITHDRAW AS COUNSEL FOR  
PLAINTIFF ROCCO S. STEZZI, III  
LOCAL RULE 5.1(C)**

Wisniewski & Mensing, LLP, Stephanie J. Mensing, Esquire, and David Wisniewski, Esquire ("Wisniewski & Mensing"), attorneys for Plaintiff Rocco S. Stezzi, III ("Plaintiff"), hereby move this Honorable Court for an Order pursuant to Local Rule 5.1(c) permitting Wisniewski & Mensing to withdraw as counsel for Plaintiff. For the reasons set forth in Wisniewski & Mensing's accompanying Memorandum of Law, Wisniewski & Mensing respectfully request that this Honorable Court permit Wisniewski & Mensing to withdraw pursuant to Local Rule 5.1(c).

Respectfully submitted,

Dated: March 12, 2010

  
\_\_\_\_\_  
Stephanie J. Mensing, Esquire (ID No. 89625)  
David Wisniewski, Esquire (ID No. 205035)  
WISNIEWSKI & MENSING, LLP  
1616 Walnut Street – Suite 710  
Philadelphia, Pennsylvania 19103  
(215) 735-2171; (215) 359-2741 fax  
Attorneys for Plaintiff

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROCCO S. STEZZI, III	:	Civil Action
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Plaintiff	:	No. 07-CV-5121
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vs.	:	
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ARAMARK SPORTS, LLC	:	
	:	
Defendant	:	

**MEMORANDUM OF LAW IN SUPPORT OF WISNIEWSKI & MENSING, LLP,  
STEPHANIE J. MENSING, ESQUIRE, AND DAVID WISNIEWSKI, ESQUIRE'S  
MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF ROCCO S. STEZZI, III  
LOCAL RULE 5.1(C)**

**INTRODUCTION**

Wisniewski & Mensing, LLP, Stephanie J. Mensing, Esquire, and David Wisniewski, Esquire ("Wisniewski & Mensing"), attorneys for Plaintiff Rocco S. Stezzi, III ("Plaintiff"), hereby file this Memorandum of Law in support of their Motion to Withdraw as Counsel for Plaintiff pursuant to Local Rule 5.1(c).

**WISNIEWSKI & MENSING, LLP, STEPHANIE J. MENSING, ESQUIRE, AND  
DAVID WISNIEWSKI, ESQUIRE HAVE GOOD CAUSE TO WITHDRAW  
AS PLAINTIFF ROCCO S. STEZZI, III'S COUNSEL**

Local Rule 5.1(c) states, "[a]n attorney's appearance may not be withdrawn except by leave of court..." A court has discretion to permit an attorney to withdraw his or her representation. See Ohntrup v. Firearms Center, Inc., 802 F.2d 676, 679 (3d Cir.1986).

Pursuant to the Fee Agreement<sup>1</sup> entered into between Plaintiff and Wisniewski & Mensing and Pennsylvania Rules of Professional Conduct 1.16(b)(2), 1.16(b)(4), and 1.16(b)(7),

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<sup>1</sup> The Fee Agreement is protected by the attorney-client privilege and is not attached. It will be made available to the Court upon request for an in-camera inspection.

Wisniewski & Mensing should be permitted to withdraw their representation of Plaintiff for “good cause.”

Pursuant to the Fee Agreement, “good cause” includes Plaintiff’s “breach of this agreement, refusal to cooperate or to follow [Wisniewski & Mensing’s] advice on a material matter or any fact or circumstance that would render [Wisniewski & Mensing’s] continuing representation unlawful or unethical.”

Under the Pennsylvania Rules of Professional Conduct, a lawyer may withdraw from representing a client if:

- the client persists in a course of action involving the lawyer’s services that the lawyer reasonably believes is criminal or fraudulent;
- the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement; or
- other good cause for withdrawal exists.

Pennsylvania Rules of Professional Conduct 1.16(b)(2), 1.16(b)(4), and 1.16(b)(7).

Here, Wisniewski & Mensing seek to withdraw their appearance based on the fact that Plaintiff has refused to cooperate with Wisniewski & Mensing regarding their advice on a material matter. Wisniewski & Mensing also believe that they cannot continue to represent Plaintiff based on the above-cited Pennsylvania Rules of Professional Conduct.

Wisniewski & Mensing have met with and corresponded with Plaintiff in an attempt to resolve these issues, but have been unable to do so.<sup>2</sup>

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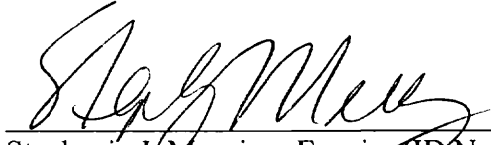
<sup>2</sup> The details of Wisniewski & Mensing’s meetings with Plaintiff and of the letters are protected by the attorney-client privilege and are not attached. They will be made available to the Court upon request for an in-camera inspection.

**CONCLUSION**

For the foregoing reasons, Wisniewski & Mensing, LLP, Stephanie J. Mensing, Esquire, and David Wisniewski, Esquire respectfully request that this Honorable Court grant their Motion to Withdraw pursuant to Local Rule 5.1(c).

Respectfully submitted,

Dated: March 12, 2010

A handwritten signature in black ink, appearing to read 'Step J. Mensing', is written over a horizontal line.

Stephanie J. Mensing, Esquire (ID No. 89625)

David Wisniewski, Esquire (ID No. 205035)

WISNIEWSKI & MENSING, LLP

1616 Walnut Street – Suite 710

Philadelphia, Pennsylvania 19103

(215) 735-2171; (215) 359-2741 fax

Attorneys for Plaintiff

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**CERTIFICATE OF SERVICE**

I, Stephanie J. Mensing, Esquire, hereby certify that on March 12, 2010, a true and correct copy of the foregoing Motion to Withdraw as Counsel was filed electronically and is available for viewing and downloading from the ECF system of the U. S. District Court for the Eastern District of Pennsylvania and that I served the same via electronic filing upon the following:

William J. Delaney, Esquire  
Anne E. Martinez, Esquire  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Attorneys for Defendant Aramark Sports, LLC

I also certify that on March 12, 2010, I served a true and correct copy of the foregoing Motion to Withdraw via Certified Mail, Return Receipt Requested and via U.S. First Class Mail, postage pre-paid upon the following party:

Rocco S. Stezzi, III  
1531 Shunk Street  
Philadelphia, PA 19145

  
Stephanie J. Mensing, Esquire